

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FREDERICK RADFORD,	:	PRISONER ACTION
Petitioner,	:	
	:	
v.	:	
	:	
JERALD, Warden for State of Georgia,	:	CIVIL ACTION NO.
Respondent.	:	1:14-CV-2158-WSD-LTW

FINAL REPORT AND RECOMMENDATION

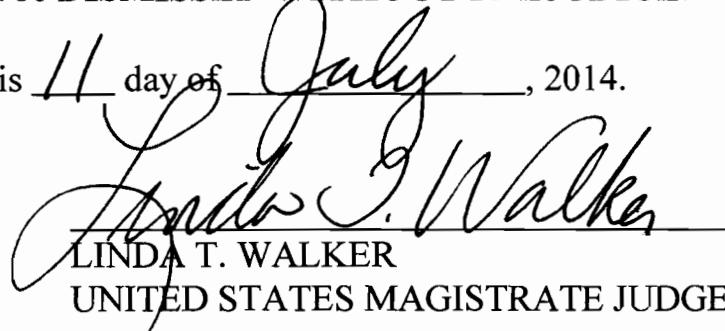
Petitioner is confined at Georgia State Prison in Reidsville, Georgia. Petitioner, pro se, sent the Court a “motion to compel discovery under O.C.G.A. §9-11-26; 9-11-26” that is captioned as filed in a habeas case in the Superior Court of Tattnall County. (Doc. 1.) It is not clear why Petitioner sent the motion to this Court; he may have simply put the wrong address on the envelope containing the motion. (See Doc. 1-1 at 2.)

Petitioner is challenging his judgment of conviction in the state habeas case to which his motion to compel discovery is directed. (Doc. 1.) The Court should not construe the motion as a request for habeas relief from that judgment in federal court because the Court previously denied Petitioner’s petition challenging that judgment under 28 U.S.C. § 2254. Order, *Radford v. Walker*, No. 1:07-cv-1756-WSD (N.D. Ga. Aug. 6, 2008) (denying petition on the merits), *aff’d*, 353 F. App’x 382 (11th Cir.

2009). Petitioner cannot file another habeas petition challenging that judgment in federal court unless he obtains permission from the U.S. Court of Appeals for the Eleventh Circuit to do so. *See* 28 U.S.C. § 2244(b). There is no indication that Petitioner has obtained such permission.

Because Petitioner's motion relates solely to his state habeas case and he has not shown authorization to file another federal habeas action, the undersigned **RECOMMENDS** that this action be **DISMISSED WITHOUT PREJUDICE**.

SO RECOMMENDED this 11 day of July, 2014.


LINDA T. WALKER
UNITED STATES MAGISTRATE JUDGE